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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,935

01/19/2007

Lionel Marcon

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,935	<b>Applicant(s)</b> MARCON, LIONEL	
	<b>Examiner</b> Clark F. Dexter	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/3/06</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed on May 3, 2006 has been received and the references listed thereon have been considered.

### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

(a) Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Specifically, the post office address on page 2 of the declaration filed on January 19, 2007 has been altered.

(b) It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Specifically, it appears that the only post office address on record has been lined through and thus is no longer considered accurate by applicant.

***Drawings***

4. The drawings are objected to because of the following informalities:

In Figure 2, numerals 31 and 32 are each used to indicate multiple features which is improper, and it is suggested to change the occurrence of 31 and 32 that refer to the lateral walls and bottom of the feedthrough to --4-- and --5--, respectively, or the like.

In Figure 6, numerals 31 and 32 are each used to indicate multiple features which is improper, and it is suggested to change the occurrence of 31 and 32 that refer to the lateral walls and bottom of the feedthrough to --4-- and --5--, respectively, or the like.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "means for selectively varying and angle" as set forth in claim 8 (lines 2-3), and the blades detachable fastened to the base as set forth in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

### ***Abstract***

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because of the use of "means" in line 4. Correction is required. See MPEP § 608.01(b).

***Specification***

8. The disclosure is objected to because of the following informalities:

In replacement paragraph 0028, line 4, "31" and "32" should be changed to --4-- and --5--, respectively, or the like for the reason described in the drawing objections above.

In replacement paragraph 0032, line 2, "31" should be changed to --4-- or the like for the reason described in the drawing objections above.

In paragraph 0040, line 1, "32" should be changed to --5-- or the like for the reason described in the drawing objections above.

The instructions on page 4 of the preliminary amendment instructing to "Replace paragraph [0009]" are inaccurate and "[0009]" has been changed to --[0052]--.

In paragraph replacement paragraph 0057, line 1, "guide T" should be changed to -- T-guide --; in line 3, "detachable means 24 of fastening" is not sufficiently clear and should be changed to --detachable and/or removable fastening means 24 for [[of]] fastening--.

In paragraph 0059, line 2, "51" is inaccurate and should read --511--; in line 3, "52" is inaccurate and should read --512--.

In paragraph 0062, line 1, "guide T" should be changed to -- T-guide --.

In paragraph 0076, line 1, "guide T" should be changed to -- T-guide --.

Appropriate correction is required.

***Claim Objections***

9. Claims 2-9 are objected to because of the following informalities:

In claim 2, line 3, --for-- should be inserted before "defining" for clarity.

In claim 6, line 1, --claim-- should be inserted before "2".

In claim 9, line 2, "guide T" should be changed to -- T-guide -- for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

10. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, lines 2-3, the recitation "each extend the corresponding lower lateral portion of the blade on a side opposite the lower face" is vague and indefinite as to what is being set forth, particularly as to what structure is being set forth.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Neal, pn 3,596,356.

O'Neal discloses a device with every structural limitation of the claimed invention including a base (e.g., 12), a handle (e.g., 11), two blades (e.g., 23, 23, or any other combination of blades 23, 23, 24, 24) that are detachably fastened to the base.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, pn 3,596,356 in view of Ried et al., pn 3,242,780 or Rancour et al., pn 5,077,899.

O'Neal discloses a device with almost every structural limitation of the claimed invention but lacks the specific blade configuration and an adjustable handle.

Regarding the blade configuration, it is old and well known in the art to provide various blade shapes/configurations for various well known benefits including to cut a desired shape. Ried and Rancour each disclose examples of such blade configurations. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a blade configuration on the device of O'Neal to gain the well known benefits including that described above.

Regarding the adjustable handle, the Examiner takes Official notice that adjustable handles are old and well known in the art and provide various well known



benefits including facilitating grasping at different positions or at different angles, or to move the handle to a non-use position. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an adjustable handle on the device of O'Neal to gain the well known benefits including those described above.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, pn 3,596,356 in view of Chang, pn 5,231,764 and/or Lang, Jr., pn 5,265,342.

O'Neal discloses a device with almost every structural limitation of the claimed invention but lacks a T-guide. However, such T-guides are old and well known in the art and provide various well known benefits including providing structure to reliably make a longitudinal cut parallel to an edge of a workpiece, and to provide such a cut at a desired distance from the edge. T-guides having a variety of configurations for a variety of tools are known. Chang and Lang, Jr. each disclose an example of such T-guides. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a T-guide on the device of O'Neal to gain the well known benefits including that described above.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-

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4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
March 19, 2008